

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 3275**, a text amendment to Title 27 of the Lincoln Municipal Code, requested by the Nebraska Association of County Officials, to amend sections 27.24.040(j) and 27.63.340 to not limit offices permitted by special permit in the R-8 Residential zoning district to professional services provided by physicians, surgeons, chiropractors, osteopaths, physical therapists, dentists, architects, engineers, lawyers and accounts.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 09/20/00
Administrative Action: 09/20/00

RECOMMENDATION: Approval (9-0: Steward, Krieser, Newman, Hunter, Duvall, Taylor, Schwinn, Carlson and Bayer voting 'yes').

STAFF RECOMMENDATION: Approval.

ASSOCIATED REQUEST: Change of Zone No. 3259 and Special Permit No. 1871 (Planning Commission Resolution No. PC-00634).

FINDINGS OF FACT:

1. This proposed text amendment and the associated Change of Zone No. 3259 and Special Permit No. 1871 were heard at the same time before the Planning Commission; however, only the text amendment is being submitted for Council consideration at this time. Change of Zone No. 3259 is a zone change request from R-8 to O-1 as an alternative in the event the proposed text amendment is not approved. Special Permit No. 1871 is the associated special permit for an office building in the event the text amendment is approved.
2. The Planning staff recommendation to approve the text amendment is based upon the information set forth on pp.2-4, concluding that permitting all types of offices would not increase traffic on the adjacent street system because doctor's offices are now permitted and doctor's offices generate more trips than other types of offices.
3. The applicant's testimony is found on p.6-7. When the application for change of zone from R-8 to O-1 was submitted to the Nebraska Capitol Environs Commission, it was recommended that the proposed text amendment be submitted in lieu of the change of zone from R-8 to O-1.
4. There was no testimony in opposition.
5. On September 20, 2000, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval of the text amendment.
6. The Planning Commission also voted 9-0 to deny Change of Zone No. 3259 from R-8 to O-1.
7. The Planning Commission also voted 9-0 to approve Special Permit No. 1871 to develop an office building at 14th and "G" Streets, Resolution No. PC-00634. This special permit is final action by the Planning Commission unless appealed to the City Council. Special Permit No. 1871 is not valid until the proposed text amendment is approved by the City Council.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: September 26, 2000

REVIEWED BY: _____

DATE: September 26, 2000

REFERENCE NUMBER: FS\CC\FSCZ327

W444444444444444444444444444444444444444444

DATE: August 29, 2000

Amend Sections 27.24.040(j) and 27.63.340 to not limit offices permitted by special to professional services provided by physicians, surgeons, chiropractors, osteopaths, physical therapists, dentists, architects, engineers, lawyers, and accountants.

Nebraska Association of County Officials
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Sections 27.24.040(j) and 27.63.340 of the Zoning Ordinance

Amend the regulations of the R-8 Residential District and the Special Permits Chapter.

To allow other than professional offices in the R-8 District.

The land use plan provides the foundation for guiding community growth and supporting public investments. Yet, the plan is not an arbitrary map of future land uses. Rather, it is guided by the basic principles articulated as the Community Vision.

These provide direction for the community's land use policies.

A CONTINUING COMMITMENT TO NEIGHBORHOODS: *Neighborhoods are one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies. In addition, the land use plan is the basis for zoning and other land development decisions. It should guide decisions that will maintain the quality and character of the community's established neighborhoods.(page 36a)*

HISTORY:

The R-8 District was created as part of the **1979** Zoning Update.

On **November 9, 1987**, the City Council amended the Zoning Ordinance to exempt the residential percentage of floor area and the percentage of lot coverage from lots within the Capitol Environs District.

SPECIFIC INFORMATION:

TRAFFIC ANALYSIS:

Based on the 6th Edition of Trip Generation, Institute of Transportation Engineers

General Office Buildings generate, per 1000 square feet of floor area, on average:

- 11.01 trips on a weekday
- 1.56 trips during weekday A. M. peak hour
- 1.49 trips during weekday P. M. peak hour

Single Tenant Office Buildings generate, per 1000 square feet of floor area, on average:

- 11.57 trips on a weekday
- 1.78 trips during weekday A. M. peak hour
- 1.72 trips during weekday P. M. peak hour

Medical-Dental Office Buildings generate, per 1000 square feet of floor area, on average:

- 36.13 trips on a weekday
- 3.60 trips during weekday A. M. peak hour
- 4.36 trips during weekday P. M. peak hour

REGIONAL ISSUES:

The R-8 District is located generally south of Lincoln Mall between 10th Street and 14th Street and north of L Street along 18th Street. (See attached map)

ENVIRONMENTAL CONCERNS:

None apparent

AESTHETIC CONSIDERATIONS:

No apparent changes.

STAFF CONCLUSION:

Permitting all types of offices would not increase traffic on the adjacent street system because doctor's offices are now permitted and doctor's offices generate more trips than other types of offices.

A special permit would still be required.

STAFF RECOMMENDATION:

Approval

Prepared by:

Ray Hill
Planner

Proposed text:

27.24.040 Permitted Special Uses.

A building or premises may be used for the following purposes in the R-8 Residential District if a special permit for such use has been obtained in conformance with the requirements of Chapter 27.63:

- (a) Private schools, other than those permitted under Section 27.24.020(h) above;
- (b) Health care facilities;
- (c) Dwellings for members of religious orders;
- (d) Recreational facilities;
- (e) Broadcast towers;
- (f) Certain parking lots as defined in Chapter 27.63;
- (g) Elderly or retirement housing;
- (h) Expansion of nonconforming uses;
- (i) Historic preservation;
- (j) ~~Offices for professional services provided by physicians, surgeons, chiropractors, osteopaths, physical therapists, dentists, architects, engineers, lawyers, and accountants;~~
- (k) Church steeples, amateur radio antenna installations, towers, and ornamental spires which exceed the maximum height permitted in the district;
- (l) Public utility purposes;
- (m) Wind energy conversion systems;
- (n) Housing and related facilities for the physically handicapped;
- (o) Outdoor seasonal sales;
- (p) Cemeteries;

- (q) Domiciliary care facility;
- (r) Expansion of nonstandard single and two-family dwellings into required yards;
- (s) Nonprofit religious, educational or philanthropic institutions;
- (t) Early childhood care facilities with sixteen or more children, or with fifteen or fewer children not meeting the specified conditions for a permitted conditional use under Section 27.24.030;
- (u) Connection of single-family dwelling to accessory building for the physically handicapped.

27.63.340 Permitted Special Use: Office For Professional Services.

~~Offices for professional services provided by physicians, surgeons, chiropractors, osteopaths, physical therapists, dentists, architects, engineers, lawyers, and accountants~~ may be allowed by special permit in the R-8 zoning district under the following conditions:

- (a) The building, including accessory buildings, shall not occupy more than twenty-five percent of the lot area; provided, however, the foregoing limitation shall not apply to buildings located in the Capitol Environs District.
- (b) New buildings shall be located on a lot containing no less than 14,000 square feet of lot area;
- (c) New buildings shall not exceed two stories in height.

**CHANGE OF ZONE NO. 3275
and
CHANGE OF ZONE NO. 3259
FROM R-8 RESIDENTIAL TO O-1 OFFICE
and
SPECIAL PERMIT NO. 1871
FOR AN OFFICE BUILDING**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

September 20, 2000

Members present: Duvall, Hunter, Taylor, Schwinn, Steward, Newman, Krieser, Carlson and Bayer.

Planning staff recommendation: Approval of the text amendment; denial of Change of Zone No. 3259, and conditional approval of Special Permit No. 1871.

Proponents

1. Mark Fahleson appeared on behalf of the Nebraska Association of County Officials (NACO). NACO has been around for 106 years providing a number of services to our county officials. Change of Zone No. 3259 from R-8 to O-1 was filed first; Change of Zone No. 3283, the text amendment, was requested next as an alternative; the special permit is not allowed without the text change. All three applications would affect the parcel owned by NACO at 725 South 14th Street, the northwest corner of 14th & G. Directly to the east is the Governor's mansion. Directly north the zoning changes to O-1, the Nebraska Nurses Association. This property is currently zoned R-8.

Fahleson explained that the lot in question is currently a duplex. They will not be changing the exterior of the facility. NACO has grown and their primary office is at 625 So. 14th. Their intent is to hold a few of the other office functions in the building at 725 So. 14th. There will be no changes in need for parking. The building was once used as office space. R-8 zoning does not permit an office use for a trade association. Therefore, they applied for the change of zone from R-8 to O-1, which allows this use. The buildings directly north (O-1 zoning) are using the property in the way that NACO would use this building. The Change of Zone to O-1 was referred to the Capitol Environs and during that meeting it was agreed that NACO, a trade association, is precisely the type of owner that they want around the State Capitol, but they were reluctant to change the zoning and suggested that the text change be submitted. It doesn't make sense in the current ordinance to allow offices for others and not allow a trade association. No one could discern the rational basis to limit it to doctors, lawyers, accountants, etc., as opposed to other services. Consequently, pursuant to the recommendation of the Capitol Environs Commission, the applicant filed the text change which simply says a special permitted use would be for an office. In the event the text change is preferred, they have requested the special permit, which is simply an office building to house trade association functions.

Steward clarified with the applicant that they would be happy with approval of the text amendment and the special permit. The applicant concurred. NACO had not thought of the text amendment before and Fahleson agrees that it is appropriate as opposed to changing the zoning.

There was no testimony in opposition.

Public hearing was closed.

CHANGE OF ZONE NO. 3275

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

September 20, 2000

Duvall moved approval, seconded by Carlson.

Carlson supports this text change because it has gone through a number of channels and there has been notification and some discussion with the three neighborhoods. In addition, R-8 zoning is predominantly downtown and that neighborhood association has been involved and it has gone through Capitol Environs.

Motion for approval carried 9-0: Duvall, Hunter, Taylor, Schwinn, Steward, Newman, Krieser, Carlson and Bayer voting 'yes'.

CHANGE OF ZONE NO. 3259

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

September 20, 2000

Steward moved to deny, seconded by Schwinn and carried 9-0: Duvall, Hunter, Taylor, Schwinn, Steward, Newman, Krieser, Carlson and Bayer voting 'yes'.

SPECIAL PERMIT NO. 1871

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

September 20, 2000

Duvall moved approval, with conditions, seconded by Carlson and carried 9-0: Duvall, Hunter, Taylor, Schwinn, Steward, Newman, Krieser, Carlson and Bayer voting 'yes'.

Note: This is final action, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.